

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Cr1.MC.No. 2488 of 2015 ()

L.P.NO.6/2011 (FORMERLY C.C.NO.1042 OF 2004) OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT-II, ERNAKULAM
CRIME NO. 597/2003 OF ERNAKULAM NORTH POLICE STATION, ERNAKULAM

PETITIONER:

ANTONY K.V., AGED 39 YEARS
S/O.VARKEY, KOTTARTHIL, RAJEEV NAGAR
SOUTH CHITTOOR, COCHIN-682 027.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
ERNAKULAM TOWN NORTH POLICE STATION
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682 031.

R BY PUBLIC PROSECUTOR SRI. EGY P. ELIAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

K. HARILAL, J.

Crl.M.C. No.2488 of 2015

Dated this the 21st day of April, 2015.

ORDER

The petitioner is the accused in C.C.No.1042 of 2004 on the file of the Judicial First Class Magistrate Court-II, Ernakulam, now pending as L.P.No.6 of 2011. He is the accused in Crime No.597 of 2003 of Ernakulam Town North Police Station, registered for the offences punishable under Sections 294 b (ii), 323, 324, 354 and 457 of the Indian Penal Code, on the allegation that the petitioner had committed trespass upon the property of his erstwhile neighbour, one Rajan and caused hurt to him and others.

2. In this petition, it is stated that the alleged incident took place long back in 2003, while the petitioner was owner in possession of 2 cents of land at Pallath Road, Thammanam. But, long back in 2008, the petitioner had sold the said properties near to which the offences are said to have been committed and moved to South Chittoor, which is about

8 k.m., after purchasing the land and properties there. So, he has never been served with any summons or notice in the criminal case pending against him. But on 10.4.2015, a warrant was brought to his house saying it is in a long pending case. According to the petitioner, he is innocent of the offences alleged against him and the disputes have been amicably settled between the petitioner and the de facto complainant. The petitioner apprehends that since the offences alleged include Sections 324, 354 and 284 (b) IPC and it is a LP case, if he surrenders before the learned Magistrate, he may be remanded to the judicial custody on the ground that it is a long pending case. Hence the petitioner sought for a direction to the court below to dispose of the application for bail on the date of hearing itself.

3. Heard the learned counsel for the petitioner.

4. The learned counsel for the petitioner urged for a direction on the ground that, since it is a long pending matter, the petitioner may be remanded to jail, pending decision on

the application.

I do not think that the Learned Magistrate will remand an accused mechanically without application of mind. However, to secure the interest of justice, the learned Magistrate is directed to pass orders on the application for bail to be filed by the petitioner, on the date of appearance itself.

Sd/-
K. HARILAL
JUDGE

Scl.

True Copy

PA to Judge.